

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**SMALL DOMESTIC USE REGISTRATION**

CERTIFICATE NO. R766

Application D031772R of **Joseph Paiva**  
**Charlotte Paiva**  
**1775 Beachwood Way**  
**Pleasanton, CA 94566**

filed with the State Water Resources Control Board (State Water Board) on **May 20, 2009** meets the requirements for registration of small domestic use specified in Article 2.7 (commencing with section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code. The appropriation is subject to the following conditions.

1. Source:

Unnamed Stream

Tributary to:

Betterton Creek thence

Willow Creek thence

Middle Fork Feather River

within the County of **Plumas**.

2. Location of Point of Diversion: By California Coordinate System of 1983, <b>Zone 1</b>	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
<b>North 1,807,125 feet and East 6,962,003 feet</b>	<b>NW¼ of SE¼</b>	<b>12</b>	<b>22N</b>	<b>12E</b>	<b>MD</b>

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
<b>DOMESTIC</b>	<b>NW¼ of SE¼</b>	<b>12</b>	<b>22N</b>	<b>12E</b>	<b>MD</b>	

The place of use is shown on a map on file with the State Water Board.

5. Quantity and Season: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.13 acre-feet per annum to be collected from October 1 of each year to May 14 of the succeeding year. The capacity of the reservoir shall not exceed 0.13 acre-feet which is the stated capacity shown in the registration.

The total amount of water to be taken from the source shall not exceed 0.13 acre-feet per water year of October 1 to September 30.

6. Appropriation of water pursuant to this registration shall be made in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
7. The appropriation registered herein shall be limited to the use of water in houses, resorts, motels, organization camps, campgrounds, and other similar facilities, including the incidental watering of domestic stock for family sustenance or enjoyment, the irrigation of not to exceed one-half acre of lawn, ornamental shrubbery, or gardens at any single establishment, and the human consumption, cooking, and sanitary needs at campgrounds or resorts. Also, any storage of water registered herein may include impoundment for incidental aesthetic, recreational, or fish and wildlife purposes.
8. This appropriation is limited to the season of diversion specified in condition 5 herein. If such specified season is less than the actual season of need, an alternative supply of water, or other valid right, shall be utilized for all uses outside of the season registered herein.
9. Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this registration, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
10. Registrant shall allow representatives of the State Water Board, and other parties as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms and conditions of this registration.
11. This appropriation is subject to prior rights. Registrant may be required to curtail diversion or release water stored during the most recent collection season should diversion under this registration result in injury to holders of legal downstream senior rights. If a reservoir is involved, registrant may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, registrant may be required to otherwise compensate the holders of such rights for injury caused.
12. If the registrant does not own the point of diversion, this registration shall not be construed as conferring upon the registrant right of access to the point of diversion.

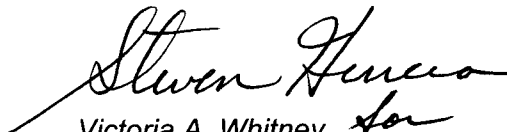
13. To the extent that water available for use under this registration is return flow, imported water, or wastewater, this registration shall not be construed, as giving any assurance that such supply will continue.
14. Diversion works shall be constructed and water applied to beneficial use with due diligence.
15. No work shall commence and no water shall be diverted, stored or used under this certificate until registrant has received a stream or lake alteration permit from the California Department of Fish and Game. Compliance with the terms and conditions of the permit is the responsibility of the registrant. If a permit is not necessary for this project, the registrant should retain a written waiver from the California Department of Fish and Game.
16. In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water under this registration is by means of a dam, registrant shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.
17. The facilities for diversion under this registration shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Game.
18. No construction shall be commenced and no water shall be diverted under this registration until all necessary federal, state, and local approvals have been obtained, including obtaining and complying with any waste discharge requirements from the appropriate California Regional Water Quality Control Board.
19. This registration does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the registrant shall obtain authorization for an incidental take prior to construction or operation of the project. Registrant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this registration.
20. This registration is subject to the submittal of a report of water use and satisfactory renewal of the registration, on forms to be furnished by the State Water Board, including payment of the then-current renewal fees prior to the expiration of each five-year period

following the date of first filing the completed registration.

21. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Board, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user of the water involved.
22. The appropriation registered herein shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
23. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the registrant knowingly made any false statement, or knowingly concealed any material fact, in the registration; 2) the registration is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the registrant is in violation of the conditions of this registration.

Dated: **JUN 15 2009**

**STATE WATER RESOURCES CONTROL BOARD**

  
Victoria A. Whitney *for*  
Deputy Director for Water Rights



## DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

(916) 358-2900

January 26, 2009

Mr. Joseph Paiva  
1775 Beachwood Way  
Pleasanton, CA 94566

Dear Mr. Paiva:

Re: Request for Small Domestic Use Appropriations, Plumas County

Registration of water use pursuant to the Water Code (§ 1228.3) requires consultation with the Department of Fish and Game (Department), and compliance with all lawful conditions required by the Department to protect fish and wildlife resources. A letter of environmental clearance from the Department must accompany your application when filing for registration of a Small Domestic Use appropriation of water with the State Water Resources Control Board (SWRCB).

The Department has evaluated your application for Small Domestic Use registration, requesting environmental clearance for storage of surface water on lands located in Plumas County, at 69929 Weasel Way (Road Number 6), Blairsden. The previously constructed onstream dam impounds seasonal drainage from an unnamed stream, tributary to Betterton Creek, tributary to Willow Creek, thence the Middle Fork Feather River. We have consulted with SWRCB staff and with Plumas County Code Enforcement representatives regarding the existing pond. On September 29, 2008, Department personnel conducted a field visit to the project site.

The existing Paiva dam is constructed in the uppermost reach of a seasonal drainage where it impounds runoff to create an ornamental pond covering about 0.4 surface acre. The pond has capacity to store up to 0.13 acre-foot of water, as calculated by SWRCB staff, and includes a waterfall recirculation feature. Department staff observed a population of approximately eighty goldfish resident within the Paiva pond. Two unscreened 12-inch culverts have been installed through the earthen structure about one foot below dam crest to facilitate spill of excess runoff. Immediately downstream of the diversion dam, the unnamed stream character can be described as swale and vegetation is consistent with disturbed forest understory. The Paiva diversion is located approximately 3.2 river miles upstream from the confluence of Willow Creek with the Middle Fork Feather River.

The Middle Fork Feather River, designated as a wild and scenic river (Federal Wild and Scenic Rivers Act, §§1271 et seq.) is managed by the Department for protection of native salmonid populations. Any water development project under consideration within this watershed must be designed and operated in a manner that will avoid impacts to the aquatic health of the river system.

*Conserving California's Wildlife Since 1870*



2009 FEB -9 PH 2:04  
CALIFORNIA DEPARTMENT OF FISH AND GAME  
NORTH CENTRAL REGION  
RANCHO CORDOVA, CA 95670

The Department recommends the following conditions of registration for your small domestic use project to avoid significant adverse environmental impacts.

1. The appropriation of flow under this Small Domestic Use registration shall not exceed diversion and storage of 0.13 acre-foot per annum. As provided for under Water Code §1228.1(b), the purpose of use shall include impoundment for incidental aesthetic, recreational, or fish and wildlife purposes.
2. This small domestic use pond shall be designed and operated in a manner that prevents introduction of any ornamental or other non-native fish species into waters of the state (Fish and Game Code §2271[b][3]).

Prior to registration of the Small Domestic Use appropriation, the applicant shall either confirm that all ornamental fish have been removed from the pond, or demonstrate through diagrams and photographs that appropriate measures have been taken to exclude ornamental fish from passage beyond margins of the pond. Such measures may include, but are not limited to the screening of spill pipe openings with mesh designed to prevent movement downstream of all particles 0.5 inch or greater in size.

Correspondence and the submittal of documentation associated with measures to prevent passage of ornamental species downstream shall be provided to the Department's Regional Manager, North Central Region and to the SWRCB's Division of Water Rights.

3. Screens or other measures taken to prevent passage of non-native species downstream of the dam shall be adequately maintained to continue the exclusion purposes of the structure for the lifetime of pond operation.
4. Prior to the future stocking of any aquatic life including fish, amphibia, or plant species within the pond or downstream, the land owner shall apply to the Department for Private Stocking Permit and receive authorization for such activity, as required under Fish and Game Code §6401.
5. Prior to any construction work or mechanical removal of vegetation or sediments from the bed and shoreline of the pond, the land owner shall notify the Department pursuant to Fish and Game Code §1602, and obtain appropriate Lake or Streambed Alteration Agreement (<http://www.dfg.ca.gov/habcon/1600>).

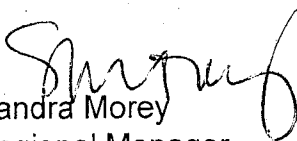
The issuance of this letter by the Department does not constitute a valid water right. To continue the registration process for Small Domestic Use appropriation, please comply with conditions listed above and mail a copy of this letter together with your application for Small Domestic Use registration to the SWRCB, Division of Water Rights.

The Department has determined that special measures for this existing project are required to protect fish and wildlife and should be implemented as described above. If you have questions regarding this conditioned Small Domestic Use clearance, please

Mr. Paiva  
January 26, 2009  
Page 3

contact Department staff of the North Central Region, Sharon Stohrer, Water Rights Coordinator at (916) 358-2384, or Mary Lisa Lynch, Water Program Supervisor at (916) 358-2921.

Sincerely,

  
Sandra Morey  
Regional Manager

cc: Ms. Victoria Whitney  
State Water Resources Control Board  
Division of Water Rights  
Post Office Box 2000  
Sacramento, CA 95812-2000

Ms. Lisa Stone, Lieutenant  
Department of Fish and Game  
P.O. Box 936  
Susanville, CA 96130